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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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11 STEVIE SMITH,

No C-10-1352 VRW (PR)

12 Plaintiff,

13 v

ORDER OF DISMISSAL

14 ROBERT AYERS, et al,

15 Defendant(s) .
16 _____/

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18 On March 30, 2010, plaintiff, a prisoner presently
19 incarcerated at Corcoran State Prison and frequent litigant in
20 federal court, filed a pro se civil rights complaint under 42 USC §
21 1983 alleging that various California prison officials violated his
22 constitutional rights. Doc #1. The court notified plaintiff in
23 writing at that time that the action was deficient because he did
24 not pay the requisite \$ 350.00 filing fee or, instead, submit a
25 signed and completed court-approved in forma pauperis application,
26 including a completed certificate of funds in his prison account and
27 a copy of his prison trust account statement for the last six months
28 obtained from the appropriate prison official. See 28 USC §

1 1915(a)(2). Plaintiff was advised that failure to file the requested
2 items within thirty (30) days would result in dismissal of the
3 action. Doc #2.

4 Over forty days have elapsed since plaintiff was notified
5 of his filing deficiency; however, he has neither provided the court
6 with the requisite items nor filed a request for an extension of
7 time to do so. The action, therefore, is DISMISSED without
8 prejudice.

9 The clerk is directed to terminate all pending motions as
10 moot and close the file.

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12 IT IS SO ORDERED.

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15 VAUGHN R WALKER
16 United States District Chief Judge
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